

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
	:	
In re REFCO, INC. SECURITIES LITIGATION	:	07 MDL No. 1902 (JSR)
	:	
	:	
-----	X	
-----	X	
	:	
	:	
KENNETH M. KRYS, et al.	:	ECF CASE
	:	
Plaintiffs,	:	08 Civ. 3086 (JSR)
-v-	:	
	:	
CHRISTOPHER SUGRUE, et al.	:	
	:	
Defendants.	:	
	:	
-----	X	
-----	X	
	:	
	:	
KENNETH M. KRYS, et al.	:	
	:	
Plaintiffs,	:	10 Civ. 3594 (JSR)
-v-	:	
	:	
DEUTSCHE BANK SECURITIES INC., et al.	:	
	:	
Defendants.	:	
	:	
-----	X	

**DEFENDANTS' NOTICE OF MOTION FOR CERTIFICATION OF
THE COURT'S ORDER DENYING DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' REFCO FRAUD CLAIMS ON GROUNDS OF *IN PARI DELICTO***

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion for Certification of the Court's Order Denying Defendants' Motion to Dismiss Plaintiffs' Refco Fraud Claims on Grounds of *In Pari Delicto*, defendants Credit Suisse

Securities (USA) LLC, Banc of America Securities LLC, JPMorgan Chase & Co., Grant Thornton LLP, Mark Ramler, Mayer Brown LLP, Edward S. Best, Joseph P. Collins, Paul Koury, PricewaterhouseCoopers LLP, Mari Ferris, Ingram Mico Inc., CIM Ventures Inc., Liberty Corner Capital Strategies, LLC, William T. Pigott, Deutsche Bank Securities Inc., Deutsche Bank Trust Company Americas and Deutsche Bank AG, by and through their undersigned counsel, will move before the Honorable Jed S. Rakoff, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for certification of the Court's September 12, 2011 Order¹ pursuant to 28 U.S.C. § 1292(b).

Pursuant to the Court's instruction, any opposing papers must be filed and served on or before October 19, 2011.

Dated: October 5, 2011
New York, New York

Respectfully submitted,

WILMER CUTLER PICKERING
HALE AND DORR LLP

By: /s/ Philip D. Anker
Philip D. Anker
(philip.anker@wilmerhale.com)
Jeremy S. Winer
Ross E. Firsenbaum

399 Park Avenue
New York, New York 10022
Tel: (212) 230-8800
Fax: (212) 230-8888

*Attorneys for Defendants Banc of America
Securities LLC, Credit Suisse Securities
(USA) LLC, and JPMorgan Chase & Co.*

¹ *Krys v. Sugrue*, No. 08 Civ. 3086 [Dkt. No. 588] and *Krys v. Deutsche Bank Securities Inc.*, No. 10 Civ. 3594 [Dkt. No. 88].

Dated: October 5, 2011
Chicago, Illinois

WINSTON & STRAWN LLP

By: /s/ Linda T. Coberly
Linda T. Coberly

Beth A. Tagliamonti
(btagliamonti@winston.com)
WINSTON & STRAWN LLP
200 Park Avenue
New York, New York 10166
Ph: 212-294-6700
Fax: 212-294-4700

Bruce Braun (bbraun@winston.com)
Catherine W. Joyce (cjoyce@winston.com)
Linda T. Coberly (lcoberly@winston.com)
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, Illinois 60601
Ph: 312-558-5600
Fax: 312-558-5700

*Attorneys for Defendants
Grant Thornton LLP and Mark Ramler*

Dated: October 5, 2011
Washington, D.C.

WILLIAMS & CONNOLLY LLP

By: /s/ Craig D. Singer
John K. Villa
George A. Borden
Craig D. Singer
(csinger@wc.com)

725 Twelfth Street, NW
Washington, DC 20005
Tel.: (202) 434-5000

*Attorneys for Defendants Mayer Brown
LLP and Edward S. Best*

Dated: October 5, 2011
New York, New York

COOLEY GODWARD KRONISH LLP

By: /s/ William J. Schwartz

William J. Schwartz
(wschwartz@cooley.com)
Jonathan P. Bach
Reed A. Smith

1114 Avenue of the Americas
New York, NY 10036-7798
Tel.: (212) 479-6000

Attorneys for Defendant Joseph P. Collins

Dated: October 5, 2011
New York, New York

CLAYMAN & ROSENBERG

By: /s/ Charles E. Clayman

Charles E. Clayman
(clayman@clayro.com)

305 Madison Avenue, Suite 1301
New York, NY 10165
Tel.: (212) 922-1080

Attorneys for Defendant Paul Koury

Dated: October 5, 2011
New York, New York

KING AND SPALDING LLP

By: /s/ James J. Capra Jr.
James J. Capra Jr.
(jcapra@kslaw.com)
James P. Cusick

1185 Avenue of the Americas
New York, New York 10036
Tel: (212) 556-2100
Fax: (212) 556-2222

*Attorneys for Defendants
PricewaterhouseCoopers LLP and Mari
Ferris*

Dated: October 5, 2011
New York, New York

DAVIS POLK & WARDWELL

By: /s/ Robert F. Wise, Jr.
Robert F. Wise, Jr.
(robert.wise@davispolk.com)

450 Lexington Avenue
New York, NY 10017
Tel: (212) 450-4000

*Attorneys for Defendants Ingram Micro Inc.
and CIM Ventures Inc.*

Dated: October 5, 2011
Chatham, New Jersey

MARINO, TORTORELLA & BOYLE, P.C.

By: /s/ Kevin H. Marino

Kevin H. Marino
(kmarino@khmarino.com)
John D. Tortorella

437 Southern Boulevard
Chatham, NJ 07928-1488
Tel.: (973) 824-9300

*Attorneys for Defendants Liberty Corner
Capital Strategies, LLC and William T.
Pigott*

Dated: October 5, 2011
New York, New York

LINKLATERS LLP

By: /s/ James R. Warnot, Jr.

James R. Warnot, Jr.
(james.warnot@linklaters.com)

1345 Avenue of the Americas
New York, NY 10105
Tel.: (212) 903-9000

*Attorneys for Defendants Deutsche Bank
Securities Inc., Deutsche Bank Trust
Company Americas, and Deutsche Bank
AG*